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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re RIPPLE LABS INC. LITIGATION,

Case No. 4:18-cv-06753-PJH (RMI)
Formerly Consolidated/Related
Case No. 4:21-cv-06518 (Closed 9-27-21)

This Document Relates To:
ALL ACTIONS

CLASS ACTION

**DECLARATION OF NICHOLAS N.
SPEAR IN RESPONSE TO
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED**

Consolidated First Amended Complaint Filed:
March 25, 2020

1 I, Nicholas N. Spear, hereby declare as follows:

2 1. I am a member in good standing of the bar of the State of California, an associate
3 with the law firm of Susman Godfrey L.L.P., and counsel of record for Lead Plaintiff Bradley
4 Sostack. I have personal knowledge of the facts set forth herein, and if called as a witness, would
5 testify competently thereto.

6 2. I make this declaration, pursuant to Northern District of California Civil Local Rule
7 79-5(f)(4), in response to the “Administrative Motion to Consider Whether Another Party’s
8 Material Should Be Sealed” (Dkt. 180).

9 3. Pursuant to the Court’s February 23, 2022 “Order re Stipulation to Modify Case
10 Schedule,” Dkt. 158, Lead Plaintiff filed his “Motion for Class Certification” and related filings
11 on November 18, 2022, Dkts. 181-0–68.

12 4. Because these filing contained materials that other parties had designated as
13 “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised
14 Stipulated Protective Order (Dkt.143), Lead Plaintiff filed an “Administrative Motion to Consider
15 Whether Another Party’s Material Should Be Sealed,” pursuant to Local Rule 79-5(f)(1), on
16 November 18, 2022. Dkt. 180. This Administrative Motion identified 43 exhibits that had been
17 designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” by other parties. *Id.*
18 In addition, the Administrative Motion identified portions of the “Motion for Class Certification”
19 and the “Declaration of Nicholas N. Spear” that contained material designated “Confidential” or
20 “Highly Confidential – Attorneys’ Eyes Only” by other parties. *Id.*

21 5. Pursuant to Local Rule 79-5(f)(2), Lead Plaintiff served the Administrative Motion
22 on the designating parties the same day.

23 6. Pursuant to Local Rule 79-5(f)(3), designating parties were required to file a
24 response by November 25, 2022. On November 23, 2022, counsel for Defendants Ripple Labs,
25 Inc.; XRP II, LLC; and Bradley Garlinghouse filed the “Declaration of Ana Guardado in Support
26 of Lead Plaintiff’s Administrative Motion to File under Seal Materials Relating to Lead Plaintiff’s
27 Motion to for [sic] Class Certification.” Dkt. 182. No other designating party filed a response by
28 November 25, 2022.

1 7. The Guardado Declaration identified two documents that Defendants do not seek to
2 file under seal. Dkt. 182. ¶¶ 9, 11–12; Dkts. 182–2–3. The Guardado Declaration also identified
3 a third document that Defendants sought to file under seal with redactions. Dkt. 182 ¶¶ 9–10; Dkt.
4 182-1. The Guardado Declaration further included a lesser-redacted version of Lead Plaintiff’s
5 Motion for Class Certification to account for the three documents that Defendants did not seek to
6 redact in full. Dkt. 182. ¶ 13; Dkt. 182-4. Otherwise, Defendants requested that all materials
7 identified in Lead Plaintiff’s Administrative Motion be filed fully under seal. Dkt. 182. ¶¶ 6–8.

8 8. The Guardado Declaration’s sole rationale for sealing Exhibit 43 is that it is a
9 “[document] or portions thereof describing or containing third-party information or information
10 that was designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – ATTORNEY’S EYES
11 ONLY by a third party.” Dkt. 182 ¶ 7. Exhibit 43 is an excel file that was produced to Lead
12 Plaintiff on May 28, 2021 by third party Poloniex, LLC as bates number
13 POLO_SOSTACK_00000001.

14 9. On November 23, 2022, counsel for Poloniex informed counsel for Lead Plaintiff
15 that it did not oppose production of a redacted version of Exhibit 43 on the public docket.
16 Specifically, counsel for Poloniex requested redaction of Column A of the spreadsheet, which
17 Poloniex’s counsel contends is personal identifiable information (PII) under Federal Rule of Civil
18 Procedure 5.2(a). Lead Plaintiff does not oppose this requested redaction.

19 10. Because Exhibit 43 is an excel file, Lead Plaintiff will produce a redacted version
20 of Exhibit 43 to the Court on a USB drive. In addition, Lead Plaintiff has attached a lesser-redacted
21 version of Lead Plaintiff’s “Motion for Class Certification” as Exhibit A to this declaration. Lead
22 Plaintiff has met and conferred with counsel for Defendants, and Defendants do not oppose the
23 public filing of these documents.

24 11. Lead Plaintiff does not otherwise oppose the Defendants’ sealing requests in the
25 Guardado Declaration for the purposes of the Motion for Class Certification. Lead Plaintiff’s non-
26 opposition is not a concession that sealing is justified for any specific document and Lead Plaintiff
27 does not waive any right to contest the sealing of these documents in relation to any future filing.
28

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed this 28th day of November, 2022, at Santa Rosa, California.

4
5 /s/ Nicholas N. Spear

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